

Applicants mailed a supplemental information disclosure statement in this case on March 4, 2003, but the most recent Office Action did not return an initialed copy. Applicants respectfully request that an initialed copy be returned with the next official action.

Pevsner Re 32,348 discloses a miniature balloon catheter with a balloon 26. Claim 1 of the present application recites a balloon portion, integral with [a] valve portion, claim 11 calls for a self-sealing medical balloon of unitary construction and claim 52 calls for a valve of unitary construction. The devices disclosed in Pevsner are not unitary.

Pevsner discloses a C-spring or circumferential member 33 (see Fig.'s 2, 10 and 11). The C-spring 33 is incorporated about the outside diameter of the valve assembly. Thus, the device of Pevsner is an assembly, not of unitary construction as contended in the Office Action. As a result, Pevsner does not anticipate claim 1 which explicitly calls for "a balloon portion, integral with [a] valve portion."

The Office Action further referred to Pevsner's balloon as comprising "unitary construction." However, Pevsner discloses making the balloon out of silastic tubing, column 3, line 48, and knotting the end or, alternatively column 3, lines 37-39 discloses a plug with an adhesive.

In one embodiment, Pevsner even teaches away from the present invention. Fig. 13 discloses a radiopaque dye or medicament being forced through the walls of the balloon (see column 5, lines 51-60). Claims 1 and 11 call for a balloon that can receive and hold fluids. This is the opposite of the walls and valve of Pevsner. Notably, combining the leaky walls of Pevsner with the disclosures of Copenhaver and Dormandy Jr. would make the devices disclosed in Copenhaver and Dormandy Jr. inoperative. One of ordinary skill in the art would not seek to create such an inoperative device.

Copenhaver and Dormandy Jr. do not cure the deficiencies of Pevsner. Copenhaver et al. does not cure the deficiencies of Pevsner. Copenhaver discloses a gastrotomy port or a one-way entrance seal for medical catheters. Thus, even if all of the teachings of Copenhaver et al. and Pevsner are combined, they still fail to teach the present invention set forth in claims 1 and 11.

With respect to claim 52, this rejection also combines Pevsner and Copenhaver, et al. and is improper for the reasons set forth above. The Office Action further cites Dormandy Jr. et al. Claim 52 recites a valve stem with a rounded tip. Claim 52 also recites that the piercing has a bend that curves toward the stem side. None of these features are cited in any of Dormandy, Jr. et al., Pevsner and Copenhaver et al. Thus, even if all of the teachings of these references are combined, they fail to teach the present invention as claimed in claim 52.

It is respectfully submitted that one of ordinary skill in the art would not look to the field of gastrotomy feeding ports in order to modify an implantable or occlusion medical balloon. Thus, there is no incentive, suggestion, reason or motivation to combine Pevsner, Copenhagen et al. and Dormandy Jr. et al. to arrive at the present invention. As a result, it is respectfully submitted that this case is in condition for allowance.

With respect to the restriction requirement, applicants respectfully submit that it is unduly harsh. The restriction requirement is tantamount to requiring five different patent applications for claims 1-88 of the present application. It is respectfully submitted that the patent owner and public would be better served if the restriction requirement were withdrawn or at least modified to include more claims in this case. Reconsideration or at least partial modification is respectfully requested. However, should this response result in the indication of allowable subject matter, applicants agree to cancel the non-elected claims in order to expedite the grant of a patent.

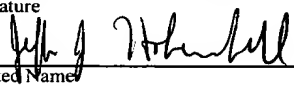
The dependent claims further recite patentable features, but are also allowable in light of their allowable independent claims.

Examination and reconsideration of the application is requested.

If the Examiner comes to believe that a telephone conversation may be useful in addressing any remaining open issues in this case, the Examiner is urged to contact the undersigned attorney at 952-930-6135.

Registration Number	Telephone Number
34,109	(952) 930-6135
Date	
July 3, 2003	

Respectfully submitted,

Signature

Printed Name
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